

§ 72.7

42 CFR Ch. I (10–1–03 Edition)

agent, in accordance with the CDC/NIH publication “Biosafety in Microbiological and Biomedical Laboratories.”

Requestor means any person who receives or seeks to receive through any means a select agent subject to this part from any other person.

Responsible facility official means an official authorized to transfer and receive select agents covered by this part on behalf of the transferor's and/or requestor's facility. This person should be either a safety officer, a senior management official of the facility, or both. The responsible facility official should not be an individual who actually transfers or receives an agent at the facility.

Secretary means the Secretary of the Department of Health and Human Services or her or his designee.

Select agent means a microorganism (virus, bacterium, fungus, rickettsia) or toxin listed in Appendix A of this part. The term also includes:

(1) Genetically modified microorganisms or genetic elements from organisms on Appendix A of this part, shown to produce or encode for a factor associated with a disease, and

(2) Genetically modified microorganisms or genetic elements that contain nucleic acid sequences coding for any of the toxins on Appendix A of this part, or their toxic submits.

Single geographic site means a building or complex of buildings at a single mailing address.

Transfer means:

(1) The conveyance or movement from a point of origination to a point of destination either:

(i) From one state or territory to another or;

(ii) Entirely within one contiguous state or territory.

(2) Intrafacility transfers within a registered facility located at a single geographic site are not covered by the provisions of § 72.6 (d), (e), and (f) provided that:

(i) The intended use of the agent remains consistent with that specified in the most current transfer form; and

(ii) For each intrafacility transfer, the facility maintains records that include the name and location of the recipient; the amount of agent trans-

ferred, and the date transferred. Such records must be maintained for a period of five (5) years after the date of transfer or for five (5) years after the agents are consumed or properly disposed, whichever is longer.

Transferor means any person who transfers or seeks to transfer through any means a select agent subject to this part to any other person.

[61 FR 55197, Oct. 24, 1996, as amended at 66 FR 45945, Aug. 31, 2001]

§ 72.7 Penalties.

Individuals in violation of this part are subject to a fine of no more than \$250,000 or one year in jail, or both. Violations by organizations are subject to a fine or no more than \$500,000 per event. A false, fictitious, or fraudulent statement or representation on the Government forms required in the part for registration of facilities or for transfers of select agents is subject to a fine or imprisonment for not more than five years, or both for an individual; and a fine for an organization.

[61 FR 55199, Oct. 24, 1996]

APPENDIX A TO PART 72—SELECT AGENTS

Viruses

1. Crimean-Congo haemorrhagic fever virus
 2. Eastern Equine Encephalitis virus
 3. Ebola viruses
 4. Equine Morbillivirus
 5. Lassa fever virus
 6. Marburg virus
 7. Rift Valley fever virus
 8. South American Haemorrhagic fever viruses (Junin, Machupo, Sabia, Flexal, Guanarito)
 9. Tick-borne encephalitis complex viruses
 10. Variola major virus (Smallpox virus)
 11. Venezuelan Equine Encephalitis virus
 12. Viruses causing hantavirus pulmonary syndrome
 13. Yellow fever virus
- Exemptions: Vaccine strains of viral agents (Junin Virus strain candid #1, Rift Valley fever virus strain MP-12, Venezuelan Equine encephalitis virus strain TC-83, Yellow fever virus strain 17-D) are exempt.

Bacteria

1. *Bacillus anthracis*
2. *Brucella abortus*, *B. melitensis*, *B. suis*
3. *Burkholderia (Pseudomonas) mallei*
4. *Burkholderia (Pseudomonas) pseudomallei*
5. *Clostridium botulinum*
6. *Francisella tularensis*